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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL P. DUNDON,

05-CV-6262-PK

Plaintiff,

ORDER

v.

JO ANNE B. BARNHART,  
Commissioner, Social Security  
Administration,

Defendant.

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**BROWN, Judge.**

Magistrate Judge Paul Papak issued Findings and Recommendation (#16) on June 30, 2006, in which he recommended this Court reverse the Commissioner's decision and remand this matter for the immediate award of benefits. The Commissioner filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988); *McDonnell Douglas*

*Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#16) and, accordingly, **REVERSES** the Commissioner's decision and **REMANDS** this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for the immediate award of benefits.

IT IS SO ORDERED.

DATED this 28<sup>th</sup> day of August, 2006.



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ANNA J. BROWN  
United States District Judge